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## **South Florida Water Management District**

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### **GOVERNING BOARD MONTHLY MEETING AGENDA**

*This meeting is open to the public*

**January 14, 2016**

**9:00 AM**

**District Headquarters - B-1 Auditorium**

**3301 Gun Club Road**

**West Palm Beach, FL 33406**

#### **FINAL**

1. Call to Order - Dan O'Keefe, Chairman, Governing Board
2. Pledge of Allegiance - Dan O'Keefe, Chairman, Governing Board
3. Employee Recognitions - Presented by Peter Antonacci, Executive Director
  - January Employee of the Month: Lucy Kelly, HR Information Systems Supervisor, Human Resources Bureau
  - 25 Year Service Award: Ivan Clements, Vegetation Management Technician, Field Operations & Land Management
  - 2015 Employee of the Year: Laura Corry, Principal Intergovernmental Representative, Office of Public Affairs
  - 2015 Team of the Year: Lake Okeechobee Southern Release Planning & Oversight Team
4. Agenda Revisions - Marcia Kivett, Director, Office of Governing Board & Executive Services
5. Abstentions by Board Members from items on the Agenda
6. Project & Lands Committee Report - Clarke Harlow, Chair
7. Water Resources Advisory Commission (WRAC) Report - Jim Moran, Chair
8. Approval of the Minutes for the December 10, 2015 Governing Board Meeting, held in West Palm Beach

## **Consent Agenda**

9. Public Comment on Consent Agenda
10. Move Consent Agenda Items to Discussion Agenda
11. Board Comment on Consent Agenda
12. Waivers for Water Resource Advisory Commission (WRAC) members pursuant to Section 112.313, Florida Statutes
13. Regulatory Consent Items
  - Consent Orders
    - Settlement for penalties and staff cost of \$2,500 of an enforcement action against the City of Key West due to unauthorized removal of mangroves within a recorded conservation easement for the Jose Marti Stormwater Pond with the City of Key West, Monroe County. Pursuant to the Consent Order, the City of Key West is developing Standard Operating Procedures (SOPS) and staff training material, in coordination with District Environmental Resource Bureau, establishing proper maintenance practices of stormwater systems where vegetative clearing is involved.
14. Right of Way Regulatory Consent

### **RIGHT OF WAY OCCUPANCY PERMIT MODIFICATIONS**

Staff recommends approval of a request by Broward County (Application Number 15-0814-4M) for issuance of Right of Way Occupancy Permit Number MOD 13420 for the installation of landscaping consisting of predominantly native species along the previously authorized Hiatus Greenway within the west right of way of C-42 beginning at I-595 and extending north approximately 4 miles to Oakland Park Boulevard and continuing north approximately 0.75 mile within the east right of way of C-42 to NW 44 Street. Location: Broward County, Section 1, 36 & 25 Township 50 & 49 South, Range 40 East.

### **RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA**

Staff recommends approval of a request by Palm Beach County Roadway Production Division (Application Number 15-0224-1) for issuance of Right of Way Occupancy Permit Number 14539 for construction of a free-span pedestrian bridge and associated linear park adjacent to the historic lock at Canal Point within the L-10 right of way located 350 feet southeast of the US-441 bridge, with a waiver to allow for the installation of an informational kiosk, bike rack and palm trees within 40 feet of top of bank. Location: Palm Beach County, Section 33, Township 41 South, Range 37 East.

15. **Resolution No. 2016 - 0101** Approve release of canal and road reservations, and issuance of non-use commitment. (Real Estate staff contact, Kathy Massey, ext. 6835)

#### **Summary:**

The District has jurisdiction over certain reserved rights to construct canal and road right of ways, and mineral rights, together with the right of ingress, egress and exploration. Applications requesting releases of these reservations are routinely received from landowners, attorneys, title companies and lending institutions, who consider the

reservations to be title defects. Applications are reviewed by appropriate District staff and applicable local governmental agencies to determine that there is no present or future need for the reservations.

**Staff Recommendation:**

Staff recommends approval of the following:

- Release of canal and road reservations, and issuance of non-use commitment for Hialeah Communities, LLC (File Nos. 18598, 18599, 18600 and NUC 1656) for 112.97 acres in Miami-Dade County
- Release of canal reservations for City of Boca Raton (File No. 18662) for 13.91 acres in Palm Beach County

16. **Resolution No. 2016 - 0102** Approve extending the termination date for satisfaction of the terms, conditions and requirements of Resolution No. 2014-1003; in connection with the release of an access easement containing 4.20 acres, more or less, in exchange for a new access easement containing 2.26 acres, more or less, C-23 Canal, located in Section 36, Township 37 South, Range 40 East, Martin County. (Real Estate staff contact, Kathy Massey, ext. 6835)

**Summary:**

In 2014, the applicant requested and received approval to relocate the District's current access road easement to the C-23 canal right of way to accommodate the completion of their improvements in exchange for a relocated access road easement. The area of the current easement to be released is 4.20 +/- acres and the new easement area is 2.26 +/- acres. (See Resolution No. 2014-1003).

The applicant is in the process of developing a plat of the property. They have not yet met all the requirements for Martin County and are requesting an extension of time for the exchange until December 31, 2016.

Resolution No. 2014-1003 will be rescinded and replaced with the resolution approving this item.

17. **Resolution No. 2016 - 0103** Approve declaring surplus land interests containing 39.76 acres, more or less, in Palm Beach County, together with any structures and improvements and personal property appurtenant thereto and approve conveying said property to Palm Beach County for \$405,000. (Real Estate staff contact, Ray Palmer, ext. 2246)

**Summary:**

The subject land interests will be surplussed and sold by the District to Palm Beach County. District staff has analyzed the options for disposal of that certain parcel of land containing 39.76 acres, more or less, located in the Palm Beach County identified as Tract 49102-154 (the "Tract"), as shown on the attached Exhibit "A". The Tract was originally acquired with other lands that the District used in creating the Stormwater Treatment Area 1 West ("STA-1W"), but was not needed for STA-1W. Further staff analysis resulted in a determination that the Tract was not needed for any other District purposes and would therefore be available for surplus. The District obtained an ecological assessment which did not identify any matter of concerns. Based on communications that occurred between District staff and Palm Beach County, the County stated its interest in the Tract in connection with its plans to develop its adjacent properties for public recreational use. It is District policy to collect a fee in connection with an application for the conveyance of District lands. However, as the District was actively pursuing the surplus of the Tract, the County should not be considered applicants under District policy. The District obtained an appraisal of the Tract that establishes a \$400,000

appraised value (the “District Appraised Value”) and Palm Beach County obtained an appraisal of the Tract that establishes a \$410,000 appraised value (the “County Appraised Value”), the average amount of the District Appraised Value and the County Appraised Value being \$405,000. The District conducted a July 30, 2015 public meeting regarding the surplus and sale of the Tract to the County for \$405,000. At its December 15, 2015 Commission meeting, the County approved purchasing the Tract from the District for \$405,000.

18. **Resolution No. 2016 - 0104** Approve entering into a Right-of-Way Consent Agreement with Florida Power and Light Company for the STA 1 West Expansion No. 1 Project. (Contract number 4600003361) (Operations, Engineering & Construction staff contact, Jeff Kivett, ext. 2680)

**Summary**

The STA 1W Expansion #1 Project (Project) is part of the Restoration Strategies Program. The Project is located within a portion of FPL’s transmission line corridor in western Palm Beach County. FPL has a 200-foot wide transmission line utility easement within the Project Area, as shown on the attached map, labeled as Exhibit A.

Under the FPL Utility Easement, FPL’s consent is required before any construction or excavation can occur within the Easement Area. Under this Consent Agreement, FPL consents to the South Florida Water Management District’s construction of the Project within the Utility Easement Area in accordance with the Plans and Specifications, which includes a spreader canal, discharge canal, three (3) embankment crossings, an access road on embankments with culverts, and storm water treatment area wetland. The Agreement also sets forth terms of cooperation, coordination, and notice with respect to activities undertaken by the District or FPL.

A companion item is also on the Governing Board agenda (Agenda item 28) with respect to an FPL Facilities Relocation Agreement, Contract No. 4600003210, which addresses relocating transmission line tower structures adversely affected by the Project.

19. **Resolution No. 2016 - 0113** Approve an amendment to the 2015-2016 Budget in an amount up to \$470.0 million to reflect the refinancing of the District's outstanding debt to reduce annual debt service costs. (Administrative Services staff contact, Doug Bergstrom, ext. 6214)

**Summary**

The District has \$454,775,000 in remaining outstanding debt principal from Certificates of Participation (COPs) issued in 2006 for restoration projects. Economic conditions are favorable to advance refund \$442,025,000 of that outstanding principle. A refunding at this time is estimated to reduce annual debt service by over \$3.0 million over the remaining term of the debt which remains at 2036.

20. **Resolution No. 2016 - 0105** Authorize a one (1) year Memorandum of Agreement for in-kind services with the National Park Service - Big Cypress National Preserve (NPS-BICY) for the purpose of continuing the collection of hydrologic and water quality data within Big Cypress National Preserve. (Water Quality, staff contact, Stuart Van Horn, ext. 6628)

**Summary**

The purpose of this one-year, in-kind services agreement with the National Park Service - Big Cypress National Preserve (NPS-BICY) is to extend the partnership

that began in 1990 to collect long-term hydrologic and water quality (WQ) data within NPS-BICY.

Under the agreement NPS-BICY staff will continue to deploy and maintain instruments at 21 stations; repair and rebuild platforms; provide a multi-parameter sonde for the collection of in situ field data; collect WQ samples; preserve and process WQ samples; ship samples overnight to the District's Laboratory; provide helicopter and/or ground transport transportation for data collection and station maintenance for all stations; and write summary reports assessing the data on an annual basis.

The District agrees to provide processing and verification of hydrologic and WQ data in an electronic format; equipment and technical support for maintaining hydrologic, electronic, and telemetric equipment at the stations; services hydrologic equipment at three (3) additional stations; analytical laboratory services; and store the data in DBHYDRO for exchange between the two agencies.

21. Board Vote on Consent Agenda

22. Board Comment

### **Discussion Agenda**

23. Technical Reports

A) Water Conditions Report - Jeff Kivett, Division Director, Operations, Engineering & Construction (ext. 2680)

B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources (ext. 6952)

C) Project Spotlight - S13 Pump Station Major Refurbishment- Jeff Kivett, Division Director, Operations, Engineering & Construction (ext. 2680)

24. Indian River Lagoon as a Bioreactor: New Perspectives on Sewage Pollution, Dr. Brian LaPointe, Research Professor, Florida Atlantic University – Harbor Branch Oceanographic Institute

25. **Resolution No. 2016 - 0106** Authorizing an amendment to agreement 4600002925 with Caulkins Citrus Company, LLC for the Caulkins Water Farming Pilot Project to increase the funding in the amount of \$282,465, for which funds are budgeted,(Everglades Policy & Coordination, staff contact, Jeff Sumner, ext. 3023)

#### **Summary**

On August 16, 2013 the South Florida Water Management District and Caulkins Citrus Company, LLC (the Parties) entered into agreement number 4600002925 to design and implement a Water Farming Pilot Project to provide water storage and water quality treatment in a 450 acre fallow grove known as the Caulkins Water Farming Pilot Project. Since that time the Parties have executed four amendments to the agreement to 1) increase payment amounts to account for unforeseen construction costs; 2) modify the deliverable schedule; and 3) increase payment amounts for Operations and Maintenance to account for additional pumping and storage beyond what the contract originally anticipated (Amendments 3 and 4).

The Parties wish to modify the current agreement to 1) clarify the end date of the contract is July 31, 2016 in accordance with Section 1 of the Agreement; 2) increase Participation payment amounts by \$132,465 in order to account for an operations period beyond two years; and 3) increase Operations and Maintenance payment amounts by \$150,000 in order to account for anticipated pumping costs associated with the longer operations period.

26. **Resolution No. 2016 - 0107** Approve the ten year update of the Lake Marion and Reedy Creek and Shingle Creek General Management Plans (2016-2026). (Field Operations & Land Management staff contact, Karen Estock, ext. 6282)

**Summary**

The Lake Marion and Reedy Creek and Shingle Creek Management Areas are located in Orange, Osceola, and Polk Counties and were acquired for their important water quality features including flood water attenuation and the protection of the Kissimmee Chain of Lakes and Kissimmee River headwaters. Sections 373.1391 and 373.591, Florida Statutes, directs the South Florida Water Management District (District) to develop General Management Plans for conservation, preservation, or recreational lands titled to the District. The management plan describes the historical, physical, and ecological aspects of the property, existing public recreational opportunities, and the various land management functions performed to properly manage the area. The District updates these plans every ten years and coordinates a field review of the property conducted by a management review team composed of governmental agencies and private citizens in accordance with Section 373.591, Florida Statutes. The purpose of the field review is to evaluate the effectiveness of land management practices and the overall condition of the land. The timeframe of the plan and utilization of a land management review team to evaluate land management practices is consistent with the timeframe and process followed by State agencies. Land management reviews of the properties were conducted in November 2015. The overall assessment of the land management review teams concluded that the properties were being managed in an effective manner and the condition of the properties met or exceeded the standards defined in the management plan. The land management review included an assessment of habitat conditions and on-going prescribed burning, exotic plant control, restoration, and public recreation activities. The purpose of the management plan is to provide guidance to District land managers for the implementation of appropriate and consistent land management practices, to identify goals and objectives for the management of the property, and to document and present the findings of the land management review team.

27. **Resolution No. 2016 - 0108** Approve entering into a Facilities Relocation Agreement with Florida Power and Light Company in the amount of \$4,383,894.22 for the STA 1 West Expansion No. 1 Project, for which \$4,383,894.22 is budgeted in the Save Our Everglades Trust Fund and the Land Acquisition Trust Fund. (Contract number 4600003210) (Operations, Engineering & Construction staff contact, Jeff Kivett, ext. 2680)

**Summary**

The STA 1W Expansion #1 Project (Project) is part of the Restoration Strategies Program. The Project will adversely affect eight Florida Power and Light Company (FPL) electrical transmission tower structures as identified on the attached map, labeled as Exhibit A. Under the Facilities Relocation Agreement, FPL will relocate, replace, or modify the towers, as necessary, to provide sufficient clearance between the overhead transmission lines and the Project embankments and sufficient vertical clearance between the tower foundation bases and Project water elevations. The South Florida Water Management District (District) is responsible for compensating FPL for its relocation costs. The Project will also adversely affect FPL's existing access within the Project area. Under the Facilities Relocation

Agreement, the District will convey new access and utility easements to FPL in exchange for FPL releasing portions of its old access easement as identified on Exhibit A.

FPL has prepared a detailed cost estimate of the relocation work and has initiated a detailed engineering design necessary to modify the existing transmission tower structures. The District submitted a deposit of \$150,000 to FPL for this work. FPL will commence the relocation work after the District has constructed a new access road within the Project, anticipated to be completed by July 2017. FPL will complete the relocation work by April 30, 2018, to meet the Project schedule.

The Agreement provides that the District is responsible for the total actual cost not to exceed the estimated cost plus 30% contingency. Consequently, the District is budgeting an amount of \$4,383,894.22, which represents the FPL estimate with a 30% contingency. FPL may update the estimate prior to the relocation.

28. **Resolution No. 2016 - 0109** Authorize entering into a 580-day contract with Enviro-Tech Systems, Inc., the lowest responsive and responsible bidder, for the Southern Corkscrew Regional Ecosystem Watershed Project, in the amount of \$2,897,987.61, for which funds are budgeted. (Contract Number 4600003334) (Operations, Engineering & Construction staff contact, Jeff Kivett, ext. 2680)

**Summary**

This agenda item is for award of the construction contract for the Southern Corkscrew Regional Ecosystem Watershed project, which will restore the hydrology and ecology to approximately 1,080 acres within an environmentally sensitive natural area encompassing 4,150 acres of a former residential development within the Lee County Imperial River watershed. This project will degrade earth roads and spoil piles and fill, or plug, the ditch and canal drainage system. Funding is budgeted in 2015-2016. The construction contract duration is 580 days.

29. **Resolution No. 2016 - 0110** Authorize entering into a 680-day contract with ENCO, LLC, the lowest responsive and responsible bidder, for the C-4 Canal Bank Improvements and Flood Protection Berm Palmetto Phase 1 Project, in the amount of \$2,221,000, which is budgeted in the 2015-2016 budget. (Contract number 4600003364) (Operations, Engineering & Construction staff contact, Jeff Kivett, ext. 2680)

**Summary**

The C-4 Canal conveys stormwater by gravity from west to east along its entire length and discharges through control structure S-25B to the C-6 Canal (Miami River), which flows into Biscayne Bay. The C-4 Canal drainage system, as originally constructed, was not designed to accommodate the runoff produced from the high level of development that has occurred to support the population currently residing in the low-lying C-4 Basin. In response to the widespread flooding in the C-4 Basin during Hurricane Irene in 1999 and an unnamed storm in 2000, water managers from the District and other local governmental agencies created the C-4 Canal Flood Protection Project. As a part of the C-4 Canal Flood Protection Project, the District will construct a flood protection berm and wall in phases along the C-4 Canal, through sections of the City of Sweetwater and unincorporated Miami-Dade County.

The objective of the C-4 Canal Bank Improvements and Flood Protection Berm Palmetto Phase 1 Project is to construct 5,990 linear feet of earthen berm along the north bank of the C-4 Canal between the Palmetto Expressway and 82<sup>nd</sup> Avenue, S.W. 87<sup>th</sup> Avenue and S.W. 92<sup>nd</sup> Avenue, and S.W. 94<sup>th</sup> Avenue and S.W. 97<sup>th</sup> Avenue, in conformance with the larger picture C-4 Flood Protection Project. The improved canal bank will provide flood protection

up to elevation 8.3 feet NGVD29 along this segment of the C-4 Canal.

30. Ten Mile Creek Update (Everglades Policy & Coordination, staff contact: Tom Teets, ext. 6993)

**Summary**

On December 18, 2015, Congress approved and the President signed the Consolidated Appropriations Act of 2016, which includes a provision directing the Secretary of the Army to execute an agreement with the South Florida Water Management District that would transfer the ownership and responsibility for the Ten Mile Creek Water Preserve Area Project (TMC Project) to the SFWMD within 180 days after enactment. The legislation states that upon execution of the Transfer Agreement, the TMC Project “shall no longer be authorized as a Federal project.”

This action will allow the SFWMD to move forward with construction of modifications needed to convert the existing TMC Project into a safe, functional water storage and treatment facility. Communications have been initiated by SFWMD staff with the Assistant Secretary of the Army for Civil Works Office and the U.S. Army Corps of Engineers to facilitate this transfer.

To convert the project into a safe, functional water storage and treatment facility, SFWMD staff will plan and implement the following steps: 1) Backfill the existing collector ditch along the interior embankment toe, including placement of confining material at select locations; 2) Remove the existing soil cement stair steps; and 3) Repair/remove the existing soil cement apron. The completion of design and authorization for construction is anticipated in the spring of 2016 with construction to be initiated after wet season operations ends in the fall of 2016. This schedule will allow for construction to begin during the dry season as well as allow the current operations to continue at 1 foot of depth through the expected 2016 wet season. In the fall of 2016, the reservoir would be taken off line for the repairs required to allow a filling to a stage of 22.0' NGVD (approximately 4' depth). The construction cost for this work is estimated at \$7 million.

31. Daycare Facility Lease Expiration and Future Use Discussion (Real Estate staff contact, Richard Bassell, ext. 2510)

The District has been involved for almost 25 years in the operation of a 6,400 square foot day care facility on 1 acre which it owns at the entrance to the Headquarters campus. With several lease agreements coming to completion later this year, the District will regain full control of the property. An initial discussion of options for the future use of this property is being presented to receive Governing Board input.

32. General Public Comment

**Public Hearing**

33. **Resolution No. 2016 - 0111** Adopt the SFWMD Florida Forever Work Plan, 2016 Annual Update, contained in Chapter 6A, Volume II of the 2016 South Florida Environmental Report. (Real Estate staff contact, Ray Palmer, ext. 2246)

**Summary:**



The 2016 SFER - Volume II, Chapter 6A presents the 2016 Florida Forever Work Plan. This chapter identifies projects eligible for funding under the Florida Forever Act (Section 259.105, Florida Statutes) as well as projects eligible for land acquisition funding from state-appropriated accounts or trust funds under Section 373.139(3)(c), Florida Statutes. Land acquisition activity during Fiscal Year 2014-15 is also provided in this chapter.

## **Staff Reports**

- 34. Monthly Financial Report - Doug Bergstrom
- 35. General Counsel's Report - Brian Accardo
- 36. Executive Director's Report - Peter Antonacci  
Legislative Update  
**Resolution 2016 - 0112**
- 37. Board Comment
- 38. Adjourn

Members of the public wishing to address the Governing Board on agenda items which require a vote are to complete a Public Comment Card and submit the card to the front desk attendant. You will be called by the Board Chair or designee to speak. If you want to request that an item be removed from the Consent Agenda and be discussed by the Governing Board, please advise the Governing Board during public comment on the consent agenda. Governing Board policy limit comments from the public to 3 minutes unless otherwise determined by the Governing Board Chair. Your comments will be considered by the Governing Board prior to adoption of the Consent Agenda. Unless otherwise determined by the Chair, Board action on Consent Agenda items moved to the discussion agenda will occur at or after 9:00 a.m. on Thursday.

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